

FOIA MARKER

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Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Counsel Office

Series/Staff Member: Marvin Krislov

Subseries:

OA/ID Number: 6741

FolderID:

Folder Title:

Office of National Service - FOIA [Freedom of Information Act] Status [2]: [National Service]

Stack:

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Row:

113

Section:

3

Shelf:

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Position:

2

C. Gregg Petersmeyer

August 2, 1994

Dear Mr. Krislov:

Jim Cicconi asked that I forward to you the enclosed report on the White House Office of National Service. It concerns the work of the office during President Bush's Administration. The document is entitled The Points of Light Movement: The President's Report to the Nation. It was released in January, 1993, just prior to the end of his term in office.

I hope that it is helpful to you.

Sincerely,



C. Gregg Petersmeyer

Mr. Marvin Krislov
Assistant Counsel to the President
The White House
Washington, D.C. 20500



Bush Presidential Materials Project

701 University Drive, East Suite 300 College Station, Texas 77840-1899
TEL. (409)260-9552 FAX (409)260-9557

VIA FEDEX

August 2, 1994

The Honorable Marvin Krislov
Associate Counsel to the President
The White House
Washington, DC 20500

Dear Mr. Krislov:

This Letter is in response to your letter of May 24, 1994, to James W. Cicconi, President Bush's legal representative, seeking access to all Bush records relating "to the establishment of and delineating the responsibilities of the White House Office of National Service" according to the terms of the Presidential Records Act of 1978 (44 USC Chapter 22). As Mr. Cicconi indicated in his letter to you dated July 7, 1994, it is our understanding that the White House is seeking access to these records "for the conduct of current business" (section 2205, subsection (2) (B) of the Presidential Records Act).

Our archivists have conducted a comprehensive search of Bush Presidential records and have identified the items which are responsive to your access request. Mr. Cicconi has authorized us to provide you with the enclosed electrostatic copies of these records. Release of these documents to you is made pursuant to Mr. Cicconi's letter to you of August 2, 1994.

If you have any questions about this matter, please call Mr. Cicconi or me.

Sincerely,

DAVID E. ALSOBROOK
Acting Director
Bush Presidential Materials Project

cc: James W. Cicconi
John Fawcett



U.S. Department of Justice

Office of the Associate Attorney General

The Associate Attorney General

Washington, D.C. 20530

November 3, 1993

MEMORANDUM

TO: Freedom of Information Act Administrative
and Legal Contacts at All Federal Agencies

FROM: Webster L. Hubbell *WLS*
Associate Attorney General

SUBJECT: White House Records or Information Found In
Agency Files: FOIA Consultation Procedures

The purpose of this memorandum is to set forth the procedures to be followed by all federal agencies for the handling of any White House-originated record or information that is found responsive to an access request made under the Freedom of Information Act, 5 U.S.C. § 552 (1988).¹

In processing FOIA requests, agencies searching for responsive records occasionally find White House-originated records (or records containing White House-originated information) that are located in their files. These records raise special concerns, including questions of executive privilege, and require special handling--particularly in light of the White House's unique status under the FOIA.

By its terms, the FOIA applies to "the Executive Office of the President," 5 U.S.C. § 552(f), but this term does not include either "the President's immediate personal staff" or any part of the Executive Office of the President "whose sole function is to advise and assist the President." Meyer v. Bush, 981 F.2d 1288, 1291 n.1 (D.C. Cir. 1993) (quoting H.R. Rep. No. 1380, 93d Cong., 2d Sess. 14 (1974)); see also, e.g., Soucie v. David, 448 F.2d 1067, 1075 (D.C. Cir. 1971). This means, among other things, that the parts of the Executive Office of the President that are known as the "White House Office" are not subject to the FOIA; certain other parts of the Executive Office of the President are.

In coordination with the Office of the Counsel to the President, the Department of Justice has determined that agencies should implement the following FOIA procedures regarding all

¹ This memorandum supersedes the Department of Justice's January 28, 1992 memorandum on this subject.

White House-related records or information found in their files. Please note that these procedures prescribe "consultations," which do not involve a transfer of administrative responsibility for responding to a FOIA request, as distinct from complete record "referrals."² In all instances involving White House records or information, your agency will be responsible for responding directly to the FOIA requester once the process of consultation is completed.

1. Records originating with any part of the "White House Office"³ should be forwarded to the Office of the Counsel to the President for any recommendation or comment it may wish to make, including any assertion of privilege, prior to your response to the FOIA requester. Please be sure to advise the White House Counsel's Office of any sensitivity that these records have from the perspective of your agency and whether you believe any FOIA exemption applies. If after considering the possibility of discretionary disclosure in accordance with the Attorney General's FOIA Memorandum of October 4, 1993 you believe that a FOIA exemption applies, you should mark each record accordingly to facilitate review by the Counsel's Office of your proposed response.

All such consultation communications should be forwarded to the White House Counsel's Office at the following address:

Office of the Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

² See FOIA Update, Summer 1991, at 3-4 ("OIP Guidance: Referral and Consultation Procedures") (further discussing differences between these two procedures).

³ The "White House Office" includes, among other components, the Offices of the President, Cabinet Affairs, Chief of Staff, Communications, First Lady, Counsel to the President, Intergovernmental Affairs, Legislative Affairs, Management and Administration, Operations, Political Affairs, Presidential Personnel, Public Liaison, Scheduling and Advance, Staff Secretary, Correspondence, Visitors, Policy Development, Domestic Policy Council, Environmental Policy, Council of Economic Advisors, National Economic Council, Assistant to the President for National Security Affairs and Deputy Assistant to the President for National Security Affairs, Assistant to the President for Science and Technology, and the President's Foreign Intelligence Advisory Board. The White House Office also includes task forces and working groups created by the President or an official in the White House Office, and reporting to the President or an official in the White House Office, including, for instance, the National Performance Review.

Please note that many records originating with the White House Press Office, such as "Press Briefings" and "White House Talking Points" (unless they are marked as, or appear to be, drafts), are in the public domain and thus may be disclosed without consultation. Questions concerning records likely to be in the public domain should be referred to the White House Counsel's Office as well.

It is possible that a record originating in the White House Office (or in the Office of the Vice President--see below) will be one over which the White House Office (or the Office of the Vice President) has retained control, in which case it will not be an "agency record" subject to the FOIA even though it is located by a federal agency in response to a FOIA request. Accord, e.g., Goland v. CIA, 607 F.2d 339, 345-48 (D.C. Cir. 1978) (honoring "retention of control" by non-FOIA entity), cert. denied, 445 U.S. 927 (1980); see also Paisley v. CIA, 712 F.2d 686, 692-95 (D.C. Cir. 1983); Holy Spirit Ass'n v. CIA, 636 F.2d 838, 840-42 (D.C. Cir. 1981). Any such records should be identified for special handling.

2. Any record originating with the Office of the Vice President or any of its component offices, offices which likewise are not subject to the FOIA, should be forwarded for consultation purposes to the Office of the Counsel to the Vice President, Old Executive Office Building, Room 269, Washington, D.C. 20501.

3. All records originating with other offices within the Executive Office of the President (EOP)--including the Office of Administration; the Office of Management and Budget; the Office of Science, Technology and Space Policy; the Office of the U.S. Trade Representative; the Council on Environmental Quality; and the Office of National Drug Control Policy--should be forwarded to the FOIA officers of the relevant individual EOP offices. This, again, is for consultation purposes only; agencies remain responsible for responding directly to the FOIA requester once these EOP consultations have been completed. For your convenience, a contact list for these EOP offices is attached.

4. Responses to FOIA requests for any classified White House records or records originating with the National Security Council should be coordinated with Ms. Nancy V. Menan of the National Security Council at the following address:

Director of Information Disclosure
Office of Information Disclosure
National Security Council
Old Executive Office Building, Room 392
Washington, D.C. 20506

Records originating with the Assistant to the President for National Security Affairs or his deputy should continue to be

treated as records originating in the White House Office (see footnote 3 above).

If any question arises regarding these procedures, either generally or in any particular case, please do not hesitate to contact Margaret Ann Irving, Acting Deputy Director of the Justice Department's Office of Information and Privacy, at (202) 514-4251.

Attachment

cc: All Agency General Counsels

Executive Office of the President--Agencies Subject to the FOIA

Council on Environmental Quality
Deputy General Counsel
722 Jackson Place, N.W., Room 31
Washington, D.C. 20006

Office of Administration
Director, Administrative Services Division
Old Executive Office Building, Room 350
Washington, D.C. 20500

Office of Management and Budget
General Counsel
Old Executive Office Building, Room 262
Washington, D.C. 20503

Office of National Drug Control Policy
FOIA Officer
750 17th Street, N.W., 8th Floor
Washington, D.C. 20500

Office of Science, Technology and Space Policy
Executive Director
726 Jackson Place, N.W., Room 5013
Washington, D.C. 20500

Office of the U.S. Trade Representative
FOIA Officer
600 17th Street, N.W., Room 222
Washington, D.C. 20506

[May 1989]

THE WHITE HOUSE

WASHINGTON

THE OFFICE OF NATIONAL SERVICE

President Bush has called for a "new engagement in the lives of others" and repeatedly pointed to "a thousand points of light", meaning the whole constellation of concerned and committed individuals and institutions, schools and colleges, churches and synagogues, businesses and firms, unions, civic groups and service organizations that are already making a positive difference in their communities. The President has said that "From now on in America any definition of a successful life must include serving others."

To quote his Inaugural Address:

My friends, we have work to do. There are the homeless, lost and roaming, there are the children who have nothing -- no love and no normalcy -- there are those who cannot free themselves of enslavement to whatever addiction -- drugs, welfare, the demoralization that rules the slums. There is crime to be conquered, the rough crime of the streets. There are young women to be helped who are about to become mothers of children they can't care for and might not love. They need our care, our guidance . . .

I am speaking of a new engagement in the lives of others -- a new activism, hands-on and involved . . .

The President believes that, while the nation is at peace and record numbers of Americans are enjoying an historic degree of prosperity, many seemingly intractable problems now plague us and have proved to be beyond the power of government alone to solve. At the root of many of these problems - drug abuse, illiteracy, teenage pregnancy, homelessness and AIDS, to name a few, lie the destruction of the family and the disintegration of communities. Countless people, alienated and disconnected from society, feel totally alone and devoid of self-esteem. These people are debilitated and without hope.

If progress is to be made in addressing these critical national issues, we must cause all Americans to see homelessness and illiteracy and other problems as not simply the government's problems to be solved by the government's resources, but as the nation's problems to be solved by the resources of every individual and institution in America. While there is a critical

role for government funding to play, no amount of money can rebuild a family, reweave the fabric of a community, reawaken moral values or restore self-esteem and hope. Only the power of the American people and their many institutions working together can fill this void.

The President is so committed to engaging all Americans and all American institutions in service to others that he has taken the unprecedented step of establishing the Office of National Service in the White House. The office will, under the President's leadership:

1. Call to action every individual and institution (schools and colleges, churches and synagogues, businesses and firms, unions, civic groups and service organizations) in America to engage in service to others;
2. Cause the most extraordinarily gifted leaders in America of all ages to contribute their leadership skills in part to service to others.
3. Identify and encourage the replication of service initiatives undertaken by neighborhoods, businesses, schools, churches and other institutions that are "working;"
4. Help to ensure that every individual and institution wanting to serve knows of available service opportunities in the relevant community;
5. Identify legal and governmental barriers to increased levels of service (i.e. tort law reform, tax reform and welfare law reform); and
6. Awaken all people, regardless of their circumstances, to the potential for empowerment that comes from serving others.

- o Every community must give special attention to identifying and developing new leaders of community service among young people and older Americans. The energy and idealism of youth and the experience of age can combine to contribute much to the aim of making community service national policy of the highest priority.

B. Recognition and Awards

- o Every step must be taken by the Foundation to recognize and reward talented community service leaders and successful initiatives that are solving the nation's most critical social problems.
- o Every "institution" in America will be urged to follow the Foundation's example by relentlessly and prominently recognizing and conspicuously honoring its own "points of light."

IV. ROLE OF THE OFFICE OF NATIONAL SERVICE

The Office of National Service will perform the following key functions:

- o Recognize and activate the innate desire and ability of people and "institutions" to solve community problems;
- o Identify exemplary community service initiatives for purposes of replication and recognition;
- o Attract to community service and develop those with leadership potential;
- o Participate in the formulation of policies to address problems like drug abuse, education reform and others whose solution is largely dependent on community action;
- o Recommend government policy reforms to strengthen a nationwide community service movement.

THE POINTS OF LIGHT INITIATIVE:

COMMUNITY SERVICE AS NATIONAL POLICY



"Our challenge, then, is to [engage] each citizen, school and business, church and synagogue, service organization and civic group. For this is what I mean when I talk of a 'thousand points of light' -- that vast galaxy of people and institutions working together to solve problems in their own back yard."

*President George Bush
June 22, 1989*

3. THE WHITE HOUSE OFFICE OF NATIONAL SERVICE

The White House Office of National Service performs the following functions:

- o Advises the President on community service policy and strategy;
- o Communicates the President's community service strategy and the role that every individual, group and organization in America can play in the evolving community service movement;
- o Proposes ways for the President and other government officials to highlight outstanding community service leaders and initiatives, so as to honor them and to encourage others to follow their example (Daily Point of Light, speeches, statements, and site visits);
- o Participates in the solution of problems like drug abuse, education reform and others whose solution is largely dependent on community action; and
- o Recommends government policy reforms in such areas as tort law and the tax code in order to remove impediments to community service.